

District Judge James L. Robart
Chief Magistrate Judge J. Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VAN PHI DANG,

Petitioner,

v.

MERRICK B. GARLAND, et. al.,

Respondents.

No. C21-0096-JLR-JRC

JOINT STIPULATION AND
~~PROPOSED~~ ORDER CONSENTING
TO MAGISTRATE JUDGE AND
DISMISSING HABEAS PETITION

NOTE ON MOTION CALENDAR:
April 5, 2021

COMES NOW Respondents, by and through their counsel, Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and James C. Strong, Assistant United States Attorney for said District, and Petitioner, by and through his counsel Sara Brin, Assistant Federal Public Defender, and hereby jointly stipulate and agree as follows:

WHEREAS on January 26, 2021, Petitioner filed a habeas petition challenging his continued immigration detention. Dkt. No. 1.

WHEREAS on March 1, 2021 Respondents filed a Return Memorandum and Motion to Dismiss Petitioner's habeas petition. Dkt. No. 7.

WHEREAS, on March 15, 2021, ICE removed Petitioner from the United States to Vietnam.

JOINT STIPULATION AND ~~PROPOSED~~ ORDER CONSENTING TO
MAGISTRATE JUDGE AND DISMISSING HABEAS PETITION
(C21-0096-JLR-JRC)

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
(206) 553-7970

1 WHEREAS the parties agree that Petitioner's removal rendered the habeas petition moot
2 because he is no longer in Respondents' custody and the only relief he sought was release from
3 detention or a bond hearing. *See Abdala v. Immigration and Naturalization Service*, 488 F.3d
4 1061, 1064-65 (9th Cir. 2007).

5 WHEREAS the parties agree that Respondents' motion to dismiss is also therefore moot.

6 WHEREAS the parties agree that this action should be dismissed as moot without fees or
7 costs to either party.

8 WHEREAS the parties consent to proceed before the assigned Magistrate Judge under
9 28 U.S.C. § 636(c).

10 NOW THEREFORE, the parties, through their respective counsel of record, do hereby
11 stipulate and agree, and respectfully request, that the Court make and enter the following order:

- 12 1. Respondents' motion to dismiss is hereby denied as moot; and
13 2. Petitioner's habeas petition is hereby denied and dismissed as moot without fees or
14 costs to either party.

15 SO STIPULATED.

16 DATED this 5th day of April, 2021.

17 TESSA M. GORMAN
18 Acting United States Attorney

s/ James C. Strong
19 JAMES C. STRONG, OR No. 131597
Assistant United States Attorney
20 700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
21 Telephone: (206) 553-7970
Fax: (206) 553-4067
22 E-mail: james.strong@usdoj.gov

23 Attorneys for Respondents
24

1 SO STIPULATED.

2 DATED this 5th day of April, 2021.

3 s/ Sara Brin

4 SARA BRIN, WSBA No. 52476
5 Assistant Federal Public Defender
6 Federal Public Defender's Office
7 1601 Fifth Avenue, Suite 700
8 Seattle, Washington 98101
9 Phone: (206) 553-1100
10 Email: Sara_Brin@fd.org

11 Attorney for Petitioner
12
13
14
15
16
17
18
19
20
21
22
23
24

ORDER

IT IS SO ORDERED.

1. Respondents' motion to dismiss is denied as moot, and;
2. Petitioner's habeas petition is hereby denied and dismissed as moot without fees or costs to either party.

DATED this 7th day of April, 2021.



JAMES L. ROBART
United States District Judge